

**IN THE UNITED STATES COURT
FOR THE SOUTHERN DISTRICT OF OHIO
DAYTON COURT**

ELIJAH WHALEY
6957 Springfarm Court
Dayton, OH 45459;
Plaintiff,

vs.

EXPERIAN INFORMATION
SOLUTIONS, INC.,
an Ohio Corporation.
c/o Office of General Counsel 475
Anton Boulevard Costa Mesa,
California 92626;
Defendants.

: Case No.: **3:22-cv-00356-MJN-CHG**

: **PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS
: WITH PREJUDICE**

: **Honorable Judge, Michael J. Newman
Honorable Magistrate Judge Caroline H.
: Gentry**

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RICHARD W. MAGEL
CLERK OF COURT
2023 MAY - 1 PM 3:39
SOUTHERN DISTRICT OF OHIO
WESTERN DIV DAYTON

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO
DISMISS WITH PREJUDICE**

NOW COMES the Plaintiff, Elijah Whaley, proceeding Pro Se, in response to Defendant EXPERIAN INFORMATION SOLUTIONS, INC., ("Experian") Motion to Dismiss with Prejudice in case, 3:22-cv-00356-MJN-CHG, and respectfully submits this opposition to the Defendant's motion. The Plaintiff asserts that the action should not be dismissed in its entirety nor with prejudice, as Plaintiff alleges there are substantial and well-founded claims warranting this Honorable Court's consideration.

The Plaintiff recognizes that Experian has based its motion on Rules 8(a), 10(b), and 12(b)(6) of the Federal Rules of Civil Procedure. However, the Plaintiff is prepared to provide a comprehensive and well-reasoned argument to demonstrate that the Motion to Dismiss is unwarranted under the

circumstances, specifically addressing the Plaintiff's claims and their sufficiency under the relevant legal standards.

In opposing the Motion to Dismiss, the Plaintiff will meticulously address and refute the points raised in the Memorandum in Support of Experian's Motion to Dismiss, which the Defendant has incorporated by reference in its motion. The Plaintiff is dedicated to presenting a compelling and persuasive case to ensure that the Court thoroughly evaluates the merits of the claims set forth in this action.

In conclusion, the Plaintiff accompanies this opposition with a Memorandum in Support of Plaintiff's Opposition to Dismiss with Prejudice. The Plaintiff respectfully requests that this Honorable Court carefully consider the arguments presented in both this opposition and the accompanying memorandum before making a decision on Experian's Motion to Dismiss Plaintiff's Complaint with Prejudice.

Dated May 1, 2023

Respectfully submitted,

/s/Elijah N. Whaley
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